

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

John Anthony Castro

v.

Civil No. 23-cv-531-SE

New Hampshire Secretary of State,  
David M. Scanlon, and Donald J. Trump.

**ORDER**

The court held a video status conference with the parties on December 15, 2023. During the conference, the plaintiff withdrew his motion for an ex parte temporary restraining order. Consequently, the court construes the pending motion (doc. no. 4) as a motion for a preliminary injunction.

As discussed at the conference, the court must examine whether the plaintiff has standing to bring his claims in this case before ruling on his motion for a preliminary injunction. A hearing regarding the plaintiff's standing has been set for **December 21, 2023 at 11:00 a.m.**

As agreed by the parties, on or before **December 18, 2023 at 5 p.m.**, the plaintiff shall file a brief delineating the evidentiary distinctions between this case and his prior case in this court against the same defendants. Castro v. N.H. Sec'y of State, 23-cv-416-JL ("Castro I"). The plaintiff's brief shall address how those distinctions affect the standing analysis contained in Castro v. N.H. Sec'y of State, No. 23-cv-416-JL, 2023 WL 7110390 (D.N.H. Oct. 27, 2023) and Castro v. Scanlan, 86 F.4th 947 (1st Cir. 2023). The defendants may, but are not required, to respond to the plaintiff's filing prior to the hearing.

On or before **December 20, 2023 at 5 p.m.**, each party shall file a witness list and an exhibit list.

Bearing in mind the prior litigation in this court involving the same parties and issues, the parties shall jointly file, on or before **December 21, 2023 at 9 a.m., a Joint Statement of Agreed Upon Facts.** When drafting the statement, the parties shall consider any facts to which the parties stipulated in Castro I, the transcript of the October 20, 2023 hearing in Castro I (doc. no. 58), and the orders issued by the District of New Hampshire and the First Circuit regarding Castro I.

**SO ORDERED.**



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Samantha D. Elliott  
United States District Judge

Dated: December 15, 2023

cc: John Anthony Castro, pro se  
Brendan Avery O'Donnell, Esq.  
Richard J. Lehmann, Esq.  
Mark Meuser, Esq.  
Jonathan Shaw, Esq.